
AGREEMENT

THIS AGREEMENT is made on the 18TH day of *SEPTEMBER* 2008

BETWEEN the Honourable Colin Barnett MLA as Leader of the Parliamentary Liberal Party (referred to in this Agreement as the "Premier")

AND Brendon Grylls MLA as Parliamentary Leader of the Nationals WA ("Nationals Leader")

- (A) The Liberal Party of Australia (WA Division) Inc ("Liberal Party") won 24 seats in the Legislative Assembly at the general election held on 6 September 2008 ("2008 general election").
- (B) The Nationals WA won four seats in the Legislative Assembly at the 2008 general election.
- (C) The Premier has secured the support of two independent members of the Legislative Assembly for a Liberal led minority government.
- (D) The Premier and the Nationals Leader have agreed that the Nationals WA will also support a Liberal led minority government to be known as the "Liberal/National Government".
- (E) The Premier and Nationals Leader further agree that it is in the best interests of the people of Western Australia that three Nationals WA members be appointed Ministers in a Liberal/ National Government ("National Ministers"). In particular they agree that such appointments will:
- (a) secure the position of the Liberal/National Government on the floor of the Legislative Assembly; and
 - (b) make available to the Liberal/National Government the Ministers' skills and advice.
- (F) The Liberal/National Government will operate as a partnership between the Liberal Party and the Nationals WA and will not be a coalition.
- (G) The purpose of this Agreement is to record the political understandings reached between the Premier and Nationals Leader as to how the partnership will operate.
- (H) The Premier and Nationals Leader agree that Nationals Ministers will have a special position in Cabinet in that, by reason of their non-affiliation with the Liberal Party, there is a class of issues in respect of which it will not be possible always for the Nationals Ministers to be bound by a Cabinet decision (the class is defined in clause 3.5 and are referred to in this Agreement as "Issues"). The agreement reached between the Premier and Nationals Leader is intended to reduce to a minimum any matters where the Nationals Ministers will not be able to agree to a decision of Cabinet, but acknowledges that when such a circumstance arises, the parties will seek to identify it as early as possible and the Nationals Ministers will absent themselves from the Cabinet discussion at the earliest time

1. APPROVALS

This Agreement is conditional upon approval by the Parliamentary Liberal Party and Parliamentary Members of the Nationals WA.

The parties agree that they will each use their best endeavours to obtain the relevant approvals and that, in the event that such approvals are not obtained, they will enter into discussions to ascertain if any other like Agreement can be made.

2. APPOINTMENT AS PORTFOLIO MINISTERS

- 2.1 The Premier will advise His Excellency the Governor to appoint three Nationals Ministers to Ministerial portfolios to be determined by the Premier.
- 2.2 The Nationals Ministers will have authority to enter into contracts on behalf of the State for the purposes of their portfolios.
- 2.3 In each of their Ministerial capacities, the Nationals Ministers will be serviced by and may give directions to the Departments to which their Ministerial capacities relate.
- 2.4 The Premier will, at the request of Nationals Ministers, engage personal staff selected by the Nationals Ministers, in consultation with the Premier, to assist the Nationals Ministers.
- 2.5 In performing their portfolio responsibilities the Nationals Ministers must give effect to (in order of priority):
 - 2.5.1 Any applicable laws or directions, instructions or orders having legal effect;
 - 2.5.2 Any decisions of Executive Council;
 - 2.5.3 Any decisions of the Cabinet;
 - 2.5.4 Any policies agreed between the Premier and the Nationals Leader;
 - 2.5.5 Save as specified in clause 2.8 of this Agreement, any relevant policies announced by the Liberal Party in the 2008 general election ("Liberal Policies") or subsequently.
- 2.6 Where the Nationals Ministers are unable or unwilling to perform their Ministerial responsibilities in accordance with clause 2.5, the Nationals Leader must immediately inform the Premier of that fact, together with their reasons, and meet with the Premier as soon as may be convenient in order to seek some accommodation between them.

2.7 The Nationals Leader must make every effort to provide the Premier with as much notice as possible when Nationals Ministers are unwilling or unable to perform their Ministerial responsibilities in accordance with 2.5.

2.8 It is understood that the Nationals Ministers may not have to comply with Liberal Policies in relation to:

2.7.1 issues which significantly affect regional Western Australia; and

2.7.2 issues believed to be matters of conscience.

2.9 Nationals Ministers will be bound by the Ministerial Code of Conduct except as provided for in this Agreement.

3. ATTENDANCE AT CABINET

3.1 The Nationals Ministers will be provided the same Cabinet papers as every Minister.

3.2 The Nationals Ministers will peruse those Cabinet papers at their earliest opportunity.

3.3 If, after reading a Cabinet paper, in the opinion of a Nationals Minister, it would be inconsistent with Nationals Ministers' non-affiliation with the Liberal Party, for the Nationals Ministers to be bound by a Cabinet decision in relation to Issues the Nationals Minister must immediately upon reaching that opinion, inform the Nationals Leader of that fact together with their reasons. The Nationals Leader will inform the Premier and will meet with the Premier as soon as may be convenient in order to seek some accommodation between them in relation to the policy and/or procedure to be followed.

3.4 The Nationals Leader must make every effort to provide the Premier with as much notice as possible when the Nationals Leader believes a matter for decision in Cabinet will be inconsistent with National Ministers' non-affiliation with the Liberal Party.

3.5 The Nationals Leader agrees that in this Agreement, the Issues will be limited to:

3.5.1 Issues which significantly affect regional Western Australia;

3.5.2 Such other matters as the Nationals Leader may have advised the Premier from time to time in writing.

-
- 3.6 If, after the meeting referred to in clause 3.3 of this Agreement, no other accommodation can be reached then the Nationals Leader will arrange for all Nationals Ministers to:
- 3.6.1 Immediately return to the Cabinet office all copies of the Cabinet papers and all notes or other records relating to the Cabinet papers or copies, and
 - 3.6.2 Absent themselves from that part of the Cabinet discussion where the relevant matter will be or is being discussed.
- 3.7 Even where the Nationals Ministers have absented themselves from Cabinet in accordance with this clause, the Nationals Ministers will not disagree with, comment on or disclose the relevant policy until the policy has been publicly announced.
- 3.8 The Premier agrees that the Nationals Ministers, having complied with the arrangements in this Agreement, are not subject to the usual rules of Cabinet solidarity in respect of that particular matter. In particular, the Nationals Ministers, whilst remaining members of the Cabinet, may disagree with the particular Government policy in relation to which the Nationals Ministers absented themselves from Cabinet after the policy has been publicly announced.
- 3.9 The Nationals Ministers may not divulge any of the material in any Cabinet documents, and are bound by Cabinet secrecy in the same way as any Minister, notwithstanding anything in this Agreement.
- 3.10 Except as provided in this Agreement:
- i) The Nationals Ministers will be full members of Cabinet with the same entitlements to take matters to Cabinet, to discuss matters within Cabinet and to vote on matters in Cabinet as any other minister.
 - ii) The Nationals Ministers will be subject to the usual rules of Cabinet solidarity.

4. EXECUTIVE COUNCIL

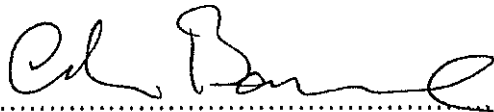
- 4.1 The Nationals Ministers will not provide advice directly to the Governor except with the prior approval of the Premier.
- 4.2 The Nationals Ministers will not attend an Executive Council meeting where there is on the agenda a matter upon which they absented themselves from Cabinet in accordance with clause 3 of this Agreement.

5. VOTING IN PARLIAMENT

- 5.1 Save for a matter on which the Nationals Ministers have absented themselves from Cabinet in accordance with clause 3 of this Agreement, the National Leader agrees that the Nationals WA Members of Parliament will support the Government in Parliament and vote with the Government on any matter raised in the Parliament which has received the prior approval of Cabinet.
- 5.2 Nationals Ministers and Nationals Members of Parliament are not obliged to support the Government in the Parliament nor to vote with the Government in relation to:
- 5.2.1 Matters about which National Ministers have absented themselves from Cabinet; or
 - 5.2.2 Votes concerning Issues about which National Leader has given notice to the Premier (unless any National Ministers have voted in Cabinet in relation to that Issue).
- 5.3 Notwithstanding clauses 3 and 5 of this Agreement, Nationals Ministers agree that for so long as they shall remain ministers in the Government, the Nationals Ministers will support the Government in relation to any "confidence" motion in the Legislative Assembly.
- 5.4 Nationals Ministers will use their best endeavours to secure the support of other Nationals Members of Parliament to support the Government on Parliamentary votes on all matters the Nationals Ministers are supporting.

6. EFFECT OF AGREEMENT

The parties acknowledge that this Agreement represents their understanding and intentions, but that neither party is thereby constrained from acting in what they perceive at the time to be the best interests of the State of Western Australia. However, both parties undertake, so far as is consistent with their duty, that before taking any action to bring this Agreement to an end that the party will communicate with the other with a view to reaching some accommodation consistent with the intent and purpose of this Agreement.



.....
Hon Colin Barnett, MLA
Parliamentary Leader of the Liberal Party of Australia
(WA Division) Inc, in the presence of:

In the presence of:



Full Name:

KIM JAMES

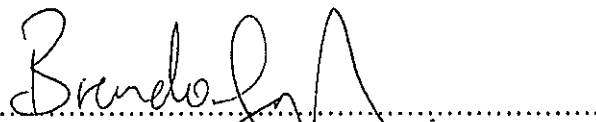
Title:

DEPUTY LEADER



NORMAN MOORE MLC

LC. LEADER.



.....
Brendon Grylls., MLA
Parliamentary Leader of the Nationals WA, in the presence of:

In the presence of:



.....
TERRY WALDRON Deputy Leader WA NATIONALS

Full Name:

Title:

TERRY ROMAN WA NATIONALS SECRETARY

